

**To:** Herrera, Angeles[Herrera.Angeles@epa.gov]  
**From:** Greg Lovato  
**Sent:** Tue 11/10/2015 1:13:34 AM  
**Subject:** FW: EPA - Yerington follow up  
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fyi

**From:** Greg Lovato  
**Sent:** Tuesday, November 03, 2015 1:48 PM  
**To:** Leo Drozdoff; Dave Emme  
**Subject:** EPA - Yerington follow up

FYI, please see below my attempt to get this started with EPA.

I will let you know what I hear and how we expect this to unfold.

I got the impression from the call today that Jared was thinking of scheduling something with the Governor later this month or early next month, so this has a pretty short fuse.

Just for the record, in addition to the item below on EPA position with respect to the state proposed private funding alternative, Jared also agreed that EPA would outline the following in advance of an anticipated discussion with Gov:

1. What is range of OU-8 capital and O&M costs that the state will need to fund? State current understanding is this could be from \$3 to 6 million with \$500K/year O&M. Where is EPA on this?
2. What the options for phasing the OU-8 capital costs? (Note: NDEP has proposed capping two heaps at a cost of ~\$15M and then waiting indefinitely on the rest of the costs)
3. What is happening across the country to reduce burden on state cost share or spread it out over time?
4. Better understanding of need for proposal in March 2016 as opposed to September 2016, if listing doesn't need to happen until September 2017. This could push exchange of letters with Gov into beginning of next year and allow for more discussion with Gov office.

5. What is range of estimates on state share of groundwater both amount and percentage likelihood and timing?

**From:** Greg Lovato

**Sent:** Tuesday, November 03, 2015 1:36 PM

**To:** Angeles Herrera; Minor, Dustin

**Cc:** 'Jasmine K. Mehta'

**Subject:** FW: Settlement Communication - RE: Anaconda/Yerington Mine Site - Atlantic Richfield's Response to NDEP's August 26, 2015 Letter

Angeles and Dusty,

I got an ok from ARC to forward this e-mail chain to you.

As we discussed with Jared and Leo today, NDEP plans to coordinate with you on understanding EPA's threshold concerns or conditions associated with a potential private funding alternative for OU-8. I see this building up into a convincing case that NDEP and EPA are committed to making reasonable accommodations for alternatives to NPL.

As explained in their 9/24 letter, one of the key issues for ARC is EPA role. As you can see below, ARC would like some assurances and predictability with respect to EPA's involvement under a state lead scenario. It would be helpful for NDEP to understand EPA's general position on this matter, and under what limitations or conditions EPA could agree to limit its involvement at the site.

We also look forward to understanding any threshold concerns EPA may have with the NDEP August 26, 2015 framework proposal to ARC/SPS. In the next few days, I will be forwarding any additional clarifications based on discussions over the past few months.

Also, when you have a chance please let me know what you think the best way to go about this is, via teleconference, EPA drafting a bullet list of issues etc.

Thanks,

Greg

**From:** Johnson, Brian S [<mailto:Brian.S.Johnson@bp.com>]

**Sent:** Tuesday, October 06, 2015 6:09 AM

**To:** Greg Lovato

**Cc:** Jeff R. Collins; Rebecca Bodnar; Jeryl Gardner; 'Jasmine K. Mehta'; Gallery, Patricia A; Oman, Jack; Halsey, Ronald H; Lucari, James L; Cohen, Adam ([Adam.Cohen@dgsllaw.com](mailto:Adam.Cohen@dgsllaw.com))

**Subject:** RE: Settlement Communication - RE: Anaconda/Yerington Mine Site - Atlantic Richfield's Response to NDEP's August 26, 2015 Letter

Greg,

You have characterized our conversation correctly. While a covenant would be the strongest and most preferred route, we are open to talking about other ways of accomplishing the same ends so that EPA's route back into managing the site are well defined, limited, and committed to in writing. How this may look will likely be a major topic of discussion as we try to see if this path forward is viable. AR looks forward to more fully discussing this issue with NDEP and EPA as we move forward.

Thanks,

Brian S. Johnson

Strategy Manager

**From:** Greg Lovato [<mailto:glovato@ndep.nv.gov>]

**Sent:** Monday, October 05, 2015 3:17 PM

**To:** Johnson, Brian S

**Cc:** Jeff R. Collins; Rebecca Bodnar; Jeryl Gardner; 'Jasmine K. Mehta'; Gallery, Patricia A; Oman, Jack; Halsey, Ronald H; Lucari, James L; Cohen, Adam ([Adam.Cohen@dgsllaw.com](mailto:Adam.Cohen@dgsllaw.com))

**Subject:** Settlement Communication - RE: Anaconda/Yerington Mine Site - Atlantic Richfield's Response to NDEP's August 26, 2015 Letter

Brian,

After talking with you last week I wanted to make sure we understood ARC's position with respect to covenants from EPA. At our July meeting I understood that ARC was not necessarily seeking EPA CERCLA/CWA releases on liability in order to pursue a site-wide agreement with the state at this time. Based on my recent discussion with you, the EPA covenants mentioned in the second paragraph on the second page of ARC's 9/24 letter are more related to circumscribing EPA's involvement in the site during the period the state is in the lead. As a condition of entering into an agreement with ARC, NDEP would seek specific assurances from EPA on EPA's role and triggers for re-engagement in an MOA. Please reference the MOA discussion on page 4 of my August 26 letter to you. I don't believe we could get these assurances in place as legally binding covenants per se, as I don't have any experience or examples of EPA granting covenants under these circumstances.

If this is generally acceptable please let me know. If not, please let me know if ARC has time this week to discuss as it appears this is a threshold matter to ARC for starting negotiation.

Greg

**From:** Cohen, Adam [<mailto:Adam.Cohen@dgslaw.com>]

**Sent:** Thursday, September 24, 2015 4:48 PM

**To:** Greg Lovato

**Cc:** Jeff R. Collins; Rebecca Bodnar; Jeryl Gardner; 'Jasmine K. Mehta'; [patricia.gallery@bp.com](mailto:patricia.gallery@bp.com); Jack Oman ([Jack.Oman@bp.com](mailto:Jack.Oman@bp.com)); Ronald H. Halsey ([Ronald.Halsey@bp.com](mailto:Ronald.Halsey@bp.com)); [james.lucari@bp.com](mailto:james.lucari@bp.com); 'tpatton@quaterra.com'; Taurus Massey; Carla A. Consoli ([CConsoli@LRRLaw.com](mailto:CConsoli@LRRLaw.com)); Angeles Herrera; Ball, Harold; Seter, David; [rodriguez.dante@epa.gov](mailto:rodriguez.dante@epa.gov); Minor, Dustin; [helmlinger.andrew@epa.gov](mailto:helmlinger.andrew@epa.gov); Cohen, Adam; Brian S. Johnson ([brian.s.johnson@bp.com](mailto:brian.s.johnson@bp.com)); Steve Dischler ([sdischler@quaterra.com](mailto:sdischler@quaterra.com)); Dave Emme; 'Manzanilla.enrique@Epa.gov'

**Subject:** RE: Anaconda/Yerington Mine Site - Atlantic Richfield's Response to NDEP's August 26, 2015 Letter

Greg – I'm forwarding Atlantic Richfield's response to your August 26, 2015 letter.

**Adam S. Cohen**

P: 303.892.7321 ▪ C: 720.936.3017 ▪ P: 303.892.9400 ▪ [vcard](#)

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**From:** Greg Lovato [<mailto:glovato@ndep.nv.gov>]

**Sent:** Wednesday, August 26, 2015 2:27 PM

**To:** Brian S. Johnson ([brian.s.johnson@bp.com](mailto:brian.s.johnson@bp.com)); Steve Dischler ([sdischler@quattera.com](mailto:sdischler@quattera.com))

**Cc:** Jeff R. Collins; Rebecca Bodnar; Jeryl Gardner; 'Jasmine K. Mehta'; [patricia.gallery@bp.com](mailto:patricia.gallery@bp.com); Jack Oman ([Jack.Oman@bp.com](mailto:Jack.Oman@bp.com)); Ronald H. Halsey ([Ronald.Halsey@bp.com](mailto:Ronald.Halsey@bp.com)); [james.lucari@bp.com](mailto:james.lucari@bp.com); Cohen, Adam; [tpatton@quattera.com](mailto:tpatton@quattera.com); Taurus Massey; Carla A. Consoli ([CConsoli@LRRLaw.com](mailto:CConsoli@LRRLaw.com)); Angeles Herrera; Ball, Harold; Seter, David; [rodriguez.dante@epa.gov](mailto:rodriguez.dante@epa.gov); Minor, Dustin; [helmlinger.andrew@epa.gov](mailto:helmlinger.andrew@epa.gov)

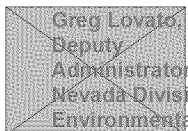
**Subject:** Anaconda/Yerington Mine Site

Brian and Steve,

Please find attached NDEP's proposal for a path forward at the Anaconda/Yerington Mine Site.

Thank you,

Greg

  
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Administrator  
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